

Message Text

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APPROVED BY L/M:KEMALMBORG

JUSTICE - A. VANCE (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

UNCLAS STATE 154883

E.O. 11652:N/A

TAGS: PFOR, CPRS, JA

SUBJECT: JUDICIAL ASSISTANCE - MITSUI & CO. (U.S.A.) INC. V.
UNITED STATES, CUSTOMS COURT NO. RFO/8746,

1. IN JULY 1971, EMBASSY ADVISED DEPARTMENT THAT GOJ WOULD
HAVE NO OBJECTION TO A JUDGE OF A CUSTOMS COURT TAKING
EVIDENCE IN JAPAN AS LONG AS WITNESSES APPEARED VOLUNTARILY
AND PRESIDING JUDGES WERE WITHOUT SUBPOENA POWER.

2. DEPARTMENT OF JUSTICE IS PRESENTLY ENGAGED IN SIMILAR
CIVIL TAX LITIGATION IN WHICH THE PLAINTIFF HAS REQUESTED
THE CUSTOMS COURT TO AUTHORIZE AN EVIDENTIARY HEARING IN
JAPAN PURSUANT TO 28 U.S.C. 256.

3. PLEASE REQUEST APPROPRIATE GOJ AUTHORITIES WHETHER THERE
WOULD BE ANY OBJECTION TO SUCH A HEARING, IN JAPAN, WITH A
U.S. CUSTOMS COURT JUDGE PRESIDING, AND WHETHER THE LIMITA-
TIONS OUTLINED IN REFTL WOULD BE APPLICABLE. PLEASE
ADVISE ASAP. INGERSOLL

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